ANDOVER BOARD OF HEALTH

Minutes December 13, 2010, 6:00 P.M. 1st Floor Conference Room 36 Bartlet Street

The Board of Health Meeting was called to order at 6:00 p.m. Present were Ms. Candace B. Martin, Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health. Dr. Donald H. Miller, Vice-Chairman was not present due to a scheduling conflict.

I. Approval of Minutes

• Regular Meeting of October 4, 2010

Motion by Ms. Martin, seconded by Ms. Kellman to approve the regular Minutes of the Board of Health Meeting of October 4, 2010. Unanimous approval.

• Executive Session (Continue) of October 4, 2010

Since there is still an active open court case concerning this matter, the Board decided not to take any action at this time. This item will be tabled until June, when the Board will address the issue then.

Regular Meeting of November 15, 2010

Motion by Ms. Kellman, seconded by Ms. Martin to approve the regular Minutes of the Board of Health Meeting of November 15, 2010, with the following correction:

On page 2, last bullet, • **Set 2011 Meeting Schedule,** change "...Monday, February 4..." to "...Monday, February 7..."

Unanimous approval.

II. Appointments & Hearings

• 6:00 p.m. – Eva Xu for Teatone – Show Cause Hearing for License Revocation (Continued) – Mr. Carbone informed the Board that Ms. Xu was out of state and was delayed due to the weather, so she was not expected to make the meeting this evening. During her absence, the Board discussed Mr. Carbone's last inspection at Teatone on December 8, 2010. Mr. Carbone still saw many of the same problems listed here but not limited to: dirty conditions, staff washing hands in prep sink, no hand wash soap, and grease dripping from hood filters. He did speak with Ms. Xu and was concerned because she indicated that the cleanliness issues were not that

important to her because they were very busy and couldn't clean during their busy time. However, Mr. Carbone noted that some of the dirt had evidently been there for more than a day. Ms. Martin stated that she really wanted Ms. Xu to hire a Consultant to help her deal with all the issues and teach her staff about food safety issues. Mr. Carbone stated that he would relay the message to Ms. Xu that the Board highly recommended that she hire a Consultant and that this could become a requirement in January.

Motion by Ms. Martin, seconded by Ms. Kellman, continue the Show Cause Hearing until the January 10, 2011 Board of Health Meeting with the requirement that Mr. Carbone do an inspection before the January meeting and a recommendation that Ms. Xu hire a Consultant. Unanimous approval.

At approximately 7 p.m. Ms. Xu arrived to address the Board. Ms. Martin explained to Ms. Xu that the Board was disappointed that it was still seeing critical items and hadn't seen the turnaround that it anticipated. The Board voted to continue the Show Cause Hearing until it's next scheduled Board of Health Meeting on January 10, 2011 with a recommendation to hire a Consultant. Ms. Martin further explained that there have been very satisfactory results with other food establishments after hiring a Consultant. The Consultant will watch over employee habits and help them to understand what is being done incorrectly by giving proper training. Ms. Martin told Ms. Xu how another food establishment had a Consultant for a year because there were language and cultural issues, and the owner said it was the best thing he ever did and a great experience. Ms. Xu agreed that she would hire a Consultant.

Ms. Martin moved to amend the earlier motion, seconded by Ms. Kellman, to continue the Show Cause Hearing until the March 7, 2011 Board of Health Meeting and to include the requirement that Ms. Xu hire a Consultant to perform monthly inspections. Unanimous approval.

• 6:15 p.m. – Yuemao Xu for Mootone – Variance Request to Allow Acidification of Rice in Lieu of Time & Temperature Requirements – Ms. Martin stated that she had a concern that only one person was trained in the calibration of the equipment and the operation of the acidification process. She would like to see more than one person trained and also wanted to make sure the rice was disposed of at the end of each day.

Motion by Ms. Martin, seconded by Ms. Kellman to approve the Variance to allow Acidification of Rice in lieu of time and temperature requirements with the following conditions:

- 1. Acidified rice not used by the end of the day shall be discarded; no acidified rice shall be held overnight.
- 2. Laboratory testing of the rice shall be tested in a certified laboratory at least once per year, using chain of custody forms.
- 3. The final HACCP Plan, employee training plan, and associated documents shall be approved by the Director of Public Health before the variance becomes effective.

Unanimous approval.

III. Discussion

- Solid Waste Law Revisions Mr. Carbone stated that he wanted the Board to be aware that this was put through as a rider to the State budget as part of the Massachusetts Department of Environmental Protection (MDEP) disinvestment. The Town is now responsible for any applications for site assignments handling less than 50 tons of solid waste per day, such as transfer stations. The Board can hire a Consultant Engineer to help with the process. There are several possible locations that could be used as transfer stations in the Town.
- District Incentive Grant Program Mr. Carbone explained to the Board that the State Department of Public Health (DPH) received a CDC Grant to look into forming Health Districts with several communities sharing services. In Mr. Carbone's opinion, the Town of Andover has a good staff and established programs and is a leader in the State, and would not be serviced well with consolidating with other communities. Today there was an information session at the Tewksbury Hospital and the Director of Inspectional Services from Lawrence was there. Peter Blanchette, Building Commissioner of Lawrence, was in attendance and was interested to see if other nearby communities were interested in the Program. Mr. Carbone was concerned that if we merged with some of the surrounding communities, that would just drag our abilities down. Ronald Beauregard, Director of Healthy Communities Tobacco Control Program talked about expanding into more areas. Lowell had to cut their Tobacco Control Program to half time, so they were looking to share with someone. Ms. Martin asked if Mr. Carbone thought we could save money by doing this. Mr. Carbone replied that as of now we contract out some of our food inspections, so we do not have extra staff to spare. Right now we, as well as our surrounding communities, do not have excess capacity to share. The argument the state has is that we could consolidate several Health Directors and hire more inspectors and nurses, thus saving money in salaries and benefits. Ms. Martin stated that if we had to handle other communities as well, our community would suffer, especially because right now everyone is doing essential work.

The Incentive Grant Program is set up as a two-part program. The first part would be a review of the proposal to determine which communities would like to merge into regional Health Departments and then the second part would be applying for funds for implementation. Not all Health Departments have to participate. Ms Martin asked Mr. Carbone if he felt some of the towns at the meeting today are willing to participate. Mr. Carbone replied that he didn't see the communities in our area being interested, but could see the benefit of smaller towns such as Groveland, Newbury, and Georgetown participating in the Program. The deadline for responses is Friday, February 11, 2011.

Mr. Carbone stated that the Grant money could be used to hire a Consultant to evaluate whether or not this would work for us. Ms. Martin suggested talking about what our actual needs are and looking at what the staff is doing. Use of the pie chart

to show the breakdown of responsibilities would also be a good idea. Ms. Martin also suggested that the Health Agents break down their Monthly Reports into categories such as routine or emergency, as well as a breakdown of the hours spent on each item.

- MVPC Contract Inspectors Mr. Carbone explained that this is an outsourcing proposal put together by the Merrimack Valley Planning Commission (MVPC) for a Regional Inspectional Services Program. The bar has been set pretty high for Health Inspectors as they must be a Registered Sanitarian or someone eligible to take the exam, or a licensed Soil Evaluator.
- **Possible Winter Break Intern** Mr. Carbone informed the Board that he has an appointment next week with a Tewksbury resident who is interested in doing a Winter Internship. Mr. Carbone would like the Intern to expand on the work done by our Summer Intern, Kirstin Heinrich, to include winter activities using the trail maps she developed this past Summer.

IV. Old Business

• N/A

V. <u>Definitive Subdivision Plans</u>

• Murray Hill Estates (Modification to the Definitive Subdivision) – Present were owner, Julie White, her son Jason, and Engineer Bernard A. Paquin, P.E. from the Engineering firm, Dana F. Perkins, Inc. Mr. Carbone explains that this is a modification to a plan that was approved in 2004 by the Planning Board. Since this is a modification to subdivide the lot, the Board needs to issue a waiver to soil testing. The owner does not want to develop the subdivision at this time, but only wants the waiver in order to secure a mortgage. Ms. White is going to the Planning Board Meeting tomorrow for approval of the Subdivision Modification change, which would then require soil testing. Mr. Paquin requested that the Board of Health issue the waiver to require soil testing, which would hopefully help to get the Planning Board approval. Mr. Carbone recommended that the Board grant the waiver.

Motion by Ms. Martin, seconded by Ms. Kellman, to waive the site soil testing with the understanding that testing will be done when the lot is developed in the future. Unanimous approval.

VI. Plan Review

- A. D.W.R.P. Variances/Local Upgrade Approval (LUA)
 - N/A

VII. Staff Reports

A. Director's Report:

- Home Health VNA Agreement (Not on Agenda) Mr. Carbone received the renewal for the Home Health VNA Agreement, so he presented the contract to the Board for signatures. The standards are the same as they were last year. The agreement gives flexibility on contract work, so if there is an emergency or our nurses aren't available, we can use them instead. We do not normally exercise this agreement.
- Flu Clinics Update (Not on Agenda) Ms. Martin asked if we had good turnout for our Flu Clinics. Mr. Carbone stated that the clinics done at the schools in October had a good turnout, but we were down approximately 20% for the large Flu Clinics in November. A lot of the pharmacies were having Flu Clinics starting in October and were accepting Medicare, so a lot of people went there to get their shots early.
- Fats, Oil, & Grease (FOG) Policy and New Software (From Correspondence)
 Ms. Martin stated that she noticed in the new sewer regulations that we require that all grease traps be inspected and cleaned on a quarterly basis. She was wondering how that would be tracked and if the new software we will be getting would help us to track that. Mr. Carbone informed the Board that we do not track this at this time, but there is software available that can be set up so that when consulting Engineers do an inspection, they can login and the software can automatically report the inspection to the Health Division.
- Master Plan for Sewer (Not on Agenda) Ms. Martin asked Mr. Carbone if there is any chance that a new Master Plan for sewer may be done now that a new Public Works Director has been hired. Mr. Carbone replied that the new Director is actually an Interim Director and would only be working eighteen hours a week, so he didn't anticipate a new Master Plan at this time.
- **Kirkland Drive Update** (**Not on Agenda**) Mr. Carbone informed the Board that he speaks with Attorney Abodeely weekly, and Mr. Abodeely helped the Santangelos got some of the trash and recycling out. Mr. Carbone drove by the house today and the condition has not improved. Mrs. Santangelo and her son, Mark decided to sell Christmas ornaments so there were boxes stored on the walkway. Mr. Carbone believes that we are at the point where we need to get the courts involved to move things along.
- Salt Shed Meeting Update (Not on Agenda) Mr. Carbone informed the Board that he had a meeting with the Transportation Management Association (TMA) and Massachusetts Department of Transportation (MDOT) to discuss the site of the new Salt Shed. TMA does not want the shed in the River Road area because they spent a lot of time and energy making the area attractive and they don't like

the look of a Salt Shed. MDOT had a spreadsheet of properties they owned showing how some sites were too small or had wetland issues in order to show that the area on River Road was the best location. They cannot consolidate areas because they need the Salt Shed to be strategically placed to handle Interstate 93 from Rte. 125 to New Hampshire. Now TMA needs some time to absorb the information given to them before another meeting can take place.

• Important Dates:

- ° January 10, 2011 at 6 p.m. Board of Health Meeting
- B. Nurses' Reports for October and November, 2010 The Nurses' Reports for October and November, 2010, were for informational purposes only.
- C. **Inspectors' Reports for November**, **2010** The Inspectors' Reports for November, 2010 were for informational purposes only.

VIII. Board Member Reports

N/A

IX. Adjournment

Motion by Ms. Martin, seconded by Ms. Kellman, to adjourn at 7:27 p.m. Unanimous approval.